

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**UNITED STATES OF AMERICA,**

**v.**

**(1) STRYKER BIOTECH, LLC,**

**(2) MARK PHILIP,**

**(3) WILLIAM HEPPNER,**

**(4) DAVID ARD and**

**(5) JEFFREY WHITAKER,**

**Defendants.**

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**Criminal No.: 09-CR-10330-GAO**

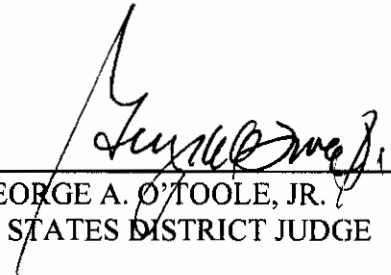
**ORDER OF EXCLUDABLE DELAY**

June 29, 2011

With the agreement of the parties, the Court finds that given the number of defendants and charges, and the factual/legal complexity of the case, which include charges of a fraud scheme and conspiracy and number of misbranding charges under the Federal Food, Drug & Cosmetic Act arising out the sale and marketing of medical devices known as OP-1 and Calstrux, the case is “so unusual or complex due to the number of the defendants, the nature of the prosecution or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limit established” by the Speedy Trial Act, *see* 18 U.S.C. §3161(h)(7)(B)(ii) and Section 5(b)(7)(C)(ii) of the *Plan for Prompt Disposition of Criminal Cases* for the District of Massachusetts (effective December 2008), and therefore that the ends of justice served by excluding the time period from November 15, 2010 through and including November 7, 2011 from the speedy trial clock,

outweigh the best interests of the public and the defendants in a speedy trial. *See* 18 U.S.C. §3161(h)(7)(A) and Section 5(b)(7)(B) of the *Plan for Prompt Disposition of Criminal Cases*.

Accordingly, it is hereby ORDERED that, pursuant to 18 U.S.C. §3161(h)(7)(A) and 18 U.S.C. §3161(h)(7)(B)(ii) and Sections 5(b)(7)(B) and 5(b)(7)(C)(ii) of the *Plan for Prompt Disposition of Criminal Cases* for the District of Massachusetts (effective December 2008) the time period from November 15, 2010 through and including November 7, 2011 is excluded from the speedy trial clock and from the time within which the trial of the offenses charged in the indictment must commence.



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HON. GEORGE A. O'TOOLE, JR.  
UNITED STATES DISTRICT JUDGE